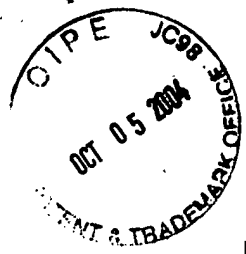


IFW



Attorney Docket No.: 60188-631  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	
	:	Customer No.20277
Masataka KUSUMI, et al.	:	
	:	Confirmation No.: 3985
Serial No.: 10/648,515	:	
(DIV of SN: 09/964,521)	:	
	:	Group Art Unit: 2815
Filed: August 27, 2003	:	Examiner: EDGARDO ORTIZ
	:	
For: SEMICONDUCTOR MEMORY DEVICE AND		
METHOD FOR FABRICATING THE SAME		

**ELECTION UNDER 35 U.S.C. § 121**

Mail Stop Amendment  
Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed September 7, 2004, having a shortened statutory period for response set to expire October 7, 2004, wherein the Examiner required restriction between the following Groups:

- |          |   |  |
|----------|---|--|
| Group I  | - | Claims 1-3, drawn to a semiconductor memory device; and                      |
| Group II | - | Claims 4-7, drawn to a method for fabricating a semiconductor memory device. |

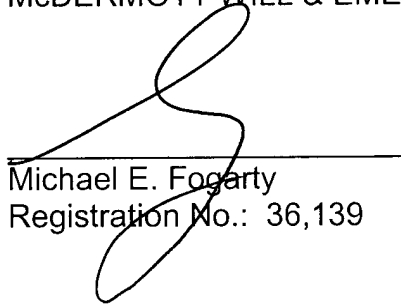
Applicants elect Group I, claims 1-3, in response to the restriction requirement. Further Applicants would like to bring to the attention of the Examiner that claims 4-7 were cancelled upon the initial filing of the above-identified Divisional application.

Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition for extension of time. The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417. A duplicate copy of this Response is enclosed for accounting purposes.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: 10/5/04

By:   
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